

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NANOCO TECHNOLOGIES LTD.

v.

**SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.**

§
§
§
§
§
§
§

Case No. 2:20-cv-00038-JRG

**MINUTES FOR PRETRIAL CONFERENCE
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
August 18, 2022**

OPEN: 10:03 AM

ADJOURN: 04:13 PM

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANTS: See attached.

LAW CLERK: Cody Carter

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

<u>TIME</u>	<u>MINUTE ENTRY</u>
10:03 AM	Court opened.
10:04 AM	Court called for announcements from counsel.
10:06 AM	Court provided instructions and housekeeping matters to the parties. Case is set for jury selection and trial on Monday, September 12, 2022. Trial will begin following empanelment of jury. Eight jurors will be selected. Peremptory strikes: Four per side. Counsel will be given 30 minutes per side for <i>voir dire</i> . The parties will be given 11-1/2 hours per side for the jury trial portion. Opening statements will be 30 minutes per side. Closing arguments will be 40 minutes per side. Court to be notified by 10:00 PM each night of disputes/objections not resolved through meet and confer efforts. Three (3) jointly prepared three-ring binders with disputed information are to be submitted to

<u>TIME</u>	<u>MINUTE ENTRY</u>
	the Court by 7:00 AM the following day. The Court will be available in chambers by 7:30 AM every morning to take up any housekeeping matters or late-arriving disputes that might come up during trial. Deposition-clip objections and/or disputes are to be taken up by the Court the day before the day such deposition is to be used. Court encouraged the parties to utilize the meet and confer process during the course of the trial to resolve disputes. It is the Court's intention to bring the jury in every morning at 8:30 AM. Lunch will be brought in daily for the jurors. Rule 50(a) motions will be heard by the Court after all the evidence is in and Plaintiff rests any rebuttal case. Court will hold an informal charge conference (off the record) after the close of evidence. Formal charge conference will follow thereafter and on the record. Court reminded counsel not to refer to individuals by their first names, and to advise their respective witnesses re: same. Counsel instructed counsel to refer to the Court's Standing Order re: the sealing of the courtroom re: confidential or highly sensitive testimony. Court instructed the parties to follow the instructions from Deputy Clerk in Charge, Mrs. Kecia Clendening re: receipt, review and return of the Juror Questionnaires. Parties to be prepared every morning of trial to read into the record those exhibits used prior day. Twelve juror notebooks to be delivered to chambers no later than 9:00 AM on Tuesday, September 6, 2022. Notebooks to contain: Complete copies of each patent-in-suit (single-sided); claim construction chart (single-sided); page for each witness with a head and shoulder photograph, name and ruled lines for notetaking; three-hole punch notepad for further notes and a non-clicking pen. Each witness page should be tabbed for easy navigation. Court addressed: (1) the use of transcripts of daily copy; and (2) use of demonstratives. Court made rulings re: Dkt. No. 248 and Dkt. No. 88. A reminder that expert witnesses are confined to the four corners of their report.
10:27 AM	Court proceeded with hearing argument re: disputed dispositive motions:
10:27 AM	[SEALED] Samsung's Motion to Exclude Certain Opinions of Dr. Brandi Cossairt (Dkt. No. 115) and [SEALED] Samsung's Motion for Summary Judgment of Non-Infringement of U.S. Patent Nos. 7,588,828; 7,803,423; 7,867,557 and 8,524,365 (Dkt. No. 119).
10:28 AM	Mr. Mizzo presented argument for Defendants.
10:45 AM	Mr. Arovas continued argument for Defendants.
11:02 AM	Responsive argument by Mr. Newman for Plaintiff.
11:16 AM	Court DENIED Dkt. No. 115. Court DENIED-IN-PART and GRANTED-IN-PART Dkt. No. 119.
11:20 AM	Court heard argument re: [SEALED] Samsung's Motion to Exclude the Expert Opinions of Mr. Thomas Credelle (Dkt. No. 116).
11:21 AM	Mr. Donovan presented argument for Defendants.
11:34 AM	Responsive argument by Mr. Wodarski for Plaintiff.
11:47 AM	Rebuttal argument by Mr. Donovan for Defendants.
11:53 AM	Court DENIED Dkt. No. 116.
11:54 AM	Court heard argument re: [SEALED] Samsung's Motion to Exclude Certain Expert Opinions of Dr. Greg Allenby (Dkt. No. 120).
11:55 AM	Mr. Underwood presented argument for Defendants.
12:13 PM	Responsive argument by Mr. Wintner for Plaintiff.
12:27 PM	Rebuttal argument by Mr. Underwood for Defendants.

TIME	MINUTE ENTRY
12:28 PM	Court made rulings re: Dkt. No. 120 as set forth in the record.
12:31 PM	Court heard argument re: [SEALED] Samsung's Motion to Exclude the Expert Opinions of Roy Weinstein Regarding Damages (Dkt. No. 114).
12:32 PM	Ms. Heffernan presented argument for Defendants.
12:55 PM	Responsive argument by Mr. Wodarski for Plaintiff
01:09 PM	Rebuttal argument by Ms. Heffernan for Defendants.
01:13 PM	Court made rulings re: Dkt. No. 114 as set forth in the record.
01:17 PM	Conclusion of argument re: dispositive motions.
01:17 PM	Court directed the parties to meet and confer during recess re: MIL disputes.
01:18 PM	Recess for lunch.
02:27 PM	Court reconvened.
02:27 PM	Agreements reached by the parties and confirmed on the record.
02:39 PM	Court CARRIED Plaintiff MILs 2 and 3.
02:39 PM	Agreement reflected in Dkt. No. 242.
02:40 PM	Court proceeded to hear argument re: parties' remaining objections to MILS.
02:40 PM	Plaintiff MIL 1: Withdrawn.
02:40 PM	Plaintiff MIL 4: Argument presented.
02:41 PM	Court ruling: DENIED.
02:44 PM	Plaintiff MIL 5: Argument presented.
02:49 PM	Court ruling: GRANTED with instructions as set forth in the record.
02:54 PM	Plaintiff MIL 6: Withdrawn.
02:54 PM	Plaintiff MIL 7: Argument presented.
02:56 PM	Court ruling: GRANTED.
02:57 PM	Plaintiff MILs 8 and 9: Withdrawn.
02:58 PM	Plaintiff MIL 10: Agreement.
02:58 PM	Samsung MIL 1: Argument presented.
03:08 PM	Courtroom sealed.
03:08 PM	Argument continued.
03:44 PM	Court CARRIED Samsung MIL 1 and directed the parties to file briefing by 12:00 noon on Friday, August 26, 2022. Page limit: Up to 15 pages per side.
03:47 PM	Court CARRIED Samsung MILs 2 and 3.
03:47 PM	Samsung MIL 4: Included with instructions re: Samsung MIL 1.
03:48 PM	Courtroom unsealed.
03:48 PM	Samsung MIL 5: Argument presented.
03:55 PM	Court ruling: GRANTED with instructions as set forth in the record.
03:56 PM	Samsung MIL 6: Argument presented.
04:00 PM	Court ruling: DENIED.
04:01 PM	Samsung MILs 7 and 8: Withdrawn.
04:01 PM	Samsung MIL 9: Argument presented.
04:08 PM	Court ruling: GRANTED-IN-PART and DENIED-IN-PART.
04:09 PM	Samsung MIL 10: GRANTED.
04:10 PM	Conclusion of argument re: MILS.

<u>TIME</u>	<u>MINUTE ENTRY</u>
04:11 PM	Court directed the parties to meet and confer for the remainder of the day re: exhibit disputes. Parties to notify Court staff by 8:00 AM tomorrow re: meet and confer efforts. Court will hear remainder of exhibit disputes tomorrow morning at 9:00 AM.
04:13 PM	Recess until 9:00 AM tomorrow.